

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH LEROY WOLFE,

Defendant.

}

8:02CR392

ORDER

Defendant Kenneth Leroy Wolfe (Wolfe) appeared before the court on April 23, 2012, on the Second Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 153). Wolfe was represented by Federal Public Defender David R. Stickman and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Wolfe waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Wolfe should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Wolfe declined to present any evidence or request a detention hearing. Since it is Wolfe's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Wolfe has failed to carry his burden and that Wolfe should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on May 30, 2012**. Defendant must be present in person.

2. Defendant Kenneth Leroy Wolfe is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 24th day of April, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge